

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
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Michael D. Hooven)
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Serial No.: 10/038,506)
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Filed: November 9, 2001)
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Group Art No.: 3739)
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Examiner: Rosiland S. Rollins)
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For: TRANSMURAL ABLATION DEVICE)
WITH PARALLEL JAWS)

RESPONSE TO OFFICE ACTION OF MAY 4, 2006

In the present invention, claims 1-7 are pending with claims 1 and 3 as the only independent claims. Claims 2 and 4-7 depend directly or indirectly from one of claims 1 or 3.

Paraschac Does Not Teach Or Suggest Claimed Features

The Office Action rejects the claimed invention under 35 U.S.C. Section 103 based on Paraschac. However, it is respectfully submitted that it would not have been obvious to modify Paraschac to achieve the claimed invention in view of its clear and consistent teachings to the contrary.

The Office Action relies upon one sentence at column 7, lines 3-4 in Paraschac to support that the claimed invention is an obvious modification. However, it is respectfully submitted that this sentence is being read out of context and in a manner which is contrary to the teachings of Paraschac. Such sentence must be read and understood with Paraschac's entire disclosure, which is clearly directed to an invention "intended to create a selective region of visible coagulation around the end effector to provide a visual feedback to the surgeon. (column 7, lines 1-3) (emphasis added).

Applicant respectfully submits that the sentence that is being relied upon actually only teaches a variation in "size" of the outer or "active electrode" for providing a feedback region of visible coagulation around the outside of the jaw – and does not